

REMARKS

It is respectfully pointed out that Claims 1-5 were previously cancelled on the first page of the Request for Continuing Application under 37 CFR 1.53(b). Moreover, the patentability of the invention referred to in those claims has already been recognized and by virtue of the issuance of U.S. patent No. 6,219,220.

The acknowledgement of the claim to domestic priority is noted. Applicant also claimed foreign priority in the Request for Continuing Application under 37 CFR 1.53(b), page 2, and noted the certified copy was of record in the patent application. Acknowledgement of the foreign priority claim and receipt of the priority document is respectfully requested.

The Examiner's indication that claims 7-15 would be allowable in independent form has been noted with appreciation. For the reasons which follow, it is respectfully submitted that all of the claims now pending in this case are now allowable.

Claims 6 was rejected under 35 U.S.C. 102 over Honma. It is respectfully submitted that his rejection is not tenable because it is predicated on the second layer being "inherently porous" and that assertion is incorrect. The assertion is explained in the Office Action as being based on the fact that "space [is] filled with conductive particles, 24" but if the space is occupied by the conductive particles, there is no void present and the layer will not be porous. Moreover, Honma explicitly states that the external electrodes is non-porous in the English language abstract, line 4 from the end.

Claims 6 and 16-19 were also rejected under 35 U.S.C. 103 over Honma in view of Sakabe. This rejection is also respectfully traversed.

A basic difference in the Honma patent has been noted immediately above. The Sakabe patent teaches a monolithic ceramic compositor in which there is, at one point in time, a pair of porous outer electrodes. However, since the Honma patent is predicated on a lack of porosity, there is no basis or motivation to combine Sakabe with that reference.

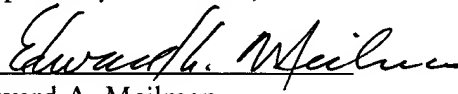
Even if Sakabe was properly combined with Honma, and it is respectfully submitted not to be so combinable, the present claims call for the second conductive paste to contain an additive which burns out when that layer is baked. Neither reference teaches or suggests this feature. The porosity is indicated in Sakabe to be achieved simply by baking the electrodes precursor which were composed of metal particles in a lead borosilicate glass frit.

Although the foregoing deficiencies are sufficient to show the rejection is not tenable, it should also be noted that Sakabe reversed to the injection of molten lead into gap layers through the porous external electrodes and this molten lead would exist in the porous portion, and would, it is respectfully submitted, make the electrode non-porous. It is also self evident that when the element is cooled, the molten lead would solidify to a non-porous mass.

In light of all of the foregoing considerations, it is respectfully submitted that this application is now in condition to be allowed and the early issuance of a Notice of Allowance is respectfully solicited.

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Respectfully submitted,

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